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## ALSTON & BIRD LLP

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### TELECOPY

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DATE: March 18, 2005

TO: UNITED STATES PATENT AND TRADEMARK OFFICE  
MAIL STOP AMENDMENT  
ART UNIT 2137

James C. Edwards  
Reg. No. 44,667

In re: Short

Appl. No. 09/693,369

Filed October 20, 2000

Title: METHODS AND APPARATUS FOR ESTABLISHING DYNAMIC TUNNEL ACCESS SESSIONS  
IN A COMMUNICATION NETWORK

Confirmation No. 8237

Art Unit: 2137

Please process the attached Response to Notice of Non-Compliant Amendment (6 pages) plus a copy of the Notice of Non-Compliant Amendment for reference and fax confirmation to James C. Edwards at 704-444-1111. Thank you.

NO. OF PAGES:  
(Including cover page)

8

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CLIENT/MATTER: 042253/205409

REQUESTED BY: Sarah Simmons 1142

VOICE NUMBER:

CLT01/4544166v1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/693,369  
Applicant(s): Short  
Filed: October 20, 2000  
Art Unit: 2137  
Examiner: Callahan, Paul E.  
Title: METHODS AND APPARATUS FOR ESTABLISHING DYNAMIC  
TUNNEL ACCESS SESSIONS IN A COMMUNICATION NETWORK  
Docket No.: 042253/205409  
Customer No.: 00826

Confirmation No.: 8237

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT  
37 C.F.R. § 1.121(h)


In response to the Notice of Non-Compliant Amendment dated February 28, 2005, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims beginning on page 3 of this paper.

Appl. No.: 09/693,369  
Amdt. dated 03/18/2005  
Reply to Office action of 02/28/2005

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

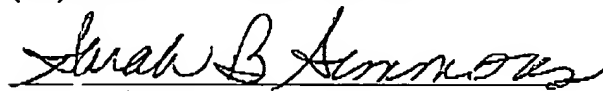
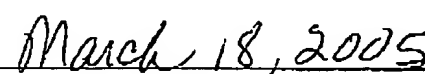
Respectfully submitted,

  
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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.

   
Sarah B. Simmons Date

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE  
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## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 1-21-05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: Claim 9

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/procnotice/officefive.pdf>.

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a bona fide attempt to be a reply (37 CFR 1.135(e)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period of response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

David Henkel  
Legal Instruments Examiner (LIE)

571-272-1026  
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